By: Carona

S.B. No. 1062

A BILL TO BE ENTITLED

AN ACT

2	relating	to the	registration	of	chiropractic	faciliti

- 2 relating to the registration of chiropractic facilities.
- 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
- 4 SECTION 1. Section 201.312, Occupations Code, is amended to 5 read as follows:
- 6 Sec. 201.312. <u>REGISTRATION</u> [ACCREDITATION] OF FACILITIES.
- 7 (a) The board by rule shall adopt requirements for registering
- 8 [licensing and regulating] chiropractic facilities as necessary to
- 9 protect the public health, safety, and welfare.
- 10 (b) The rules adopted under this section must:
- 11 (1) specify the <u>registration</u> [$\frac{1}{1}$ requirements
- 12 for a chiropractic facility;
- 13 (2) prescribe the standards for the chiropractic
- 14 [structure of the] facility registration [licensing] program;
- 15 [and]

1

- 16 (3) provide for the issuance of a separate certificate
- 17 of registration [one facility license] to an owner of a
- 18 chiropractic facility for each chiropractic facility owned by the
- 19 owner; and
- (4) provide for the board to send notice to an owner of and to each chicopractor practicing in the facility of the impending expiration of the
 - facility's certificate of registration before the expiration of the
 - 23 certificate.
 - (c) The standards adopted under Subsection (b)(2) must be

5-14-03 5-19-03 1 Fl. Am

Ţ	consistent with industry standards for the practice of
2	chiropractic.
3	(d) To register a chiropractic facility, the owner of the
4	<pre>facility must:</pre>
5	(1) file with the board a written application for
6	registration; and
7	(2) pay, with the application, a registration fee in
8	an amount set by the board not to exceed \$75.
9	(e) The board may issue a certificate of registration only
10	to a chiropractic facility that complies with the requirements of
11	this section.
12	(f) A certificate of registration under this section must be
13	renewed annually. To renew the certificate, the certificate holder
14	shall apply to the board and pay an annual fee equal to the amount of
15 e/+_	the registration fee under Subsection (d)(2).
16	(g) A person lacensed to practice chiropractic in this state
17	is not subject to disciplinary action under this chapter for
18	practicing in a chiropractic facility that is not registered under
19	this section.
20	(h) An owner of a chiropractic facility who violates this
21	section or a rule adopted under this section is subject to
22	disciplinary action by the board in the same manner as a license
23	holder who violates this chapter or a rule adopted under this

SECTION V. This Act takes effect September 1, 2003.

By: Carona S.B. No. 1062 (In the Senate - Filed March 10, 2003; March 17, 2003, read first time and referred to Committee on Health and Human Services; 1-1 1-2 1 - 3May 14, 2003, reported favorably by the following vote: Yeas 8, 1-4 1-5 Nays 0; May 14, 2003, sent to printer.)

A BILL TO BE ENTITLED AN ACT

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relating to the registration of chiropractic facilities. 1-8 1-9

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: SECTION 1. Section 201.312, Occupations Code, is amended to read as follows:

REGISTRATION [ACCREDITATION] OF FACILITIES. Sec. 201.312. The board by rule shall adopt requirements for registering [licensing and regulating] chiropractic facilities as necessary to protect the public health, safety, and welfare.

The rules adopted under this section must:

specify the registration [licensing] requirements (1)

for a chiropractic facility;
(2) prescribe the standards for the chiropractic [structure of the] facility registration [licensing] program; [and]

(3) provide for the issuance of <u>a separate certificate</u> of registration [one facility license] to an owner of a chiropractic facility for each chiropractic facility owned by the owner; and

(4) provide for the board to send notice to an owner of a chiropractic facility of the impending expiration of the facility's certificate of registration before the expiration of the certificate.

The standards adopted under Subsection (b)(2) must be (c) with industry standards for the practice consistent chiropractic.

To register a chiropractic facility, the owner of the (d) facility must:

(1) file with the board a written application for

registration; and (2) p (2) pay, with the application, a registration fee in an amount set by the board not to exceed \$75.

(e) The board may issue a certificate of registration only chiropractic facility that complies with the requirements of

this section. (f) A certificate of registration under this section must be renewed annually. To renew the certificate, the certificate holder shall apply to the board and pay an annual fee equal to the amount of the registration fee under Subsection (d)(2).

(g) A person licensed to practice chiropractic in this state is not subject to disciplinary action under this chapter for practicing in a chiropractic facility that is not registered under this section.

An owner of a chiropractic facility who violates this section or a rule adopted under this section is subject to disciplinary action by the board in the same manner as a license holder who violates this chapter or a rule adopted under this chapter.

SECTION 2. This Act takes effect September 1, 2003.

* * * * *

FAVORABLE SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR, HB HCR HJR 1062

By_	<u> </u>	Author/Senate Sponso	•		
		lay 14 Lord	3		·
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Sir:					
We, your Committee on HEALTH A	ND HUMA	AN SERVICES	, to which was	referred the att	ached measure
A		had the same und			
back with the recommendation (s) that	it:			1	•
() do pass and be printed					
() do pass and be ordered not printed					
() and is recommended for placement of	on the Loca	l and Unconteste	d Bills Calendar.		
A fiscal note was requested.	() yes	() no			
A revised fiscal note was requested.	() yes	() no			
An actuarial analysis was requested.	() yes	() no			
Considered by subcommittee.	() yes	(V) no			
The measure was reported from Commi		following vote:			
	y				
		YEA	NAY	ABSENT	PNV
Senator Nelson, Chair		- V			
Senator Janek, Vice-Chair					
Senator Carona Senator Deuell					
Senator Gallegos					
Senator Ganegos Senator Lindsay					
Senator Ratliff	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				
Senator West					
Senator Zaffirini		1			***************************************
TOTAL VOTES		8	C		0
				-	
	<u>COM</u>	<u>MITTEE ACTIO</u>	<u>NC</u>		

Paper clip the original and one copy of this signed form to the original bill Retain one copy of this form for Committee files

Considered in public hearing

Testimony taken

COMMITTEE CLERK

S260

\$270

WITNESS LIST

SB 1062

SENATE COMMITTEE REPORT

Health & Human Services

April 29, 2003 - 9:00AM

FOR:

Rent, Patte Executive Director (Texas Chiropractic Association), Austin, TX

Registering, but not testifying:

ON:

Smith, Sandra Executive Director (Texas Board of Chiropractic Examiners), Austin,

TX

BILL ANALYSIS

Senate Research Center 78R8163 SMH-F

S.B. 1062 By: Carona Health & Human Services 3/19/2003 As Filed

DIGEST AND PURPOSE

Currently, the Texas Board of Chiropractic Examiners (TBCE) has the authority to issue only one license to the owner of a chiropractic facility regardless of the number of chiropractic facilities owned by the owner. Also, TBCE has the authority to penalize a chiropractor if that chiropractor is practicing within a facility that has not been registered or not renewed the annual application of the facility. As proposed, S.B. 1062 requires that every chiropractic facility be registered individually. This bill also provides that a chiropractic license is not adversely affected if a chiropractor is practicing in a facility that has not registered or renewed its annual application.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Board of Chiropractic Examiners is modified in SECTION 1 (Section 201.312, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 201.312, Occupations Code, as follows:

Sec. 201.312. New heading: REGISTRATION OF FACILITIES. Deletes existing term "ACCREDITATION" from the heading.

- (a) Requires the Texas Board of Chiropractic Examiners (TBCE), by rule, to adopt requirements for registering, rather than licensing and regulating, chiropractic facilities as necessary to protect the public health, safety, and welfare.
- (b) Requires the rules adopted under this section to specify the registration, rather than licensing, requirements for a chiropractic facility; prescribe the standards, rather than the structure of, the chiropractic facility registration program; provide for the issuance of a separate certificate of registration, rather than one facility license, to an owner of a chiropractic facility for each chiropractic facility owned by the owner; and provide for TBCE to send notice to an owner of a chiropractic facility of the impending expiration of the facility's certificate of registration before the expiration of the certificate.
- (c) Requires the standards adopted under Subsection (b)(2) to be consistent with industry standards for the practice of chiropractic.
- (d) Requires the owner of a facility, to register a chiropractic facility, to take certain actions.
- (e) Authorizes TBCE to issue a certificate of registration only to a chiropractic facility that complies with the requirements of this section.
- (f) Requires a certificate of registration under this section to be renewed annually. Requires the certificate holder, to renew the certificate, to apply to TBCE and pay an annual fee equal to the amount of the registration fee under Subsection (d)(2).

- (g) Provides that a person licensed to practice chiropractic in this state is not subject to disciplinary action under this chapter for practicing in a chiropractic facility that is not registered under this section.
- (h) Provides that an owner of a chiropractic facility who violates this section or a rule adopted under this section is subject to disciplinary action by TBCE in the same manner as a license holder who violates this chapter or a rule adopted under this chapter.

SECTION 2. Effective date: September 1, 2003.

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 28, 2003

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1062 by Carona (Relating to the registration of chiropractic facilities.), As Introduced

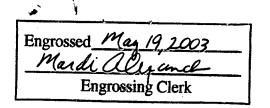
No significant fiscal implication to the State is anticipated.

Based on the analysis of the Board of Chiropractic Examiners, the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 508 Board of Chiropractic Examiners



I certify this to be a true and correct copy of the indicated document as referred or transmitted to committee,

an owner

Chief Clerk of the House

Carona By: (Hupp, Geren) S.B. No. 1062

- A BILL TO BE ENTITLED 1 AN ACT 2 relating to the registration of chiropractic facilities. 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: 4 SECTION 1. Section 201.312, Occupations Code, is amended to 5 read as follows: 6 Sec. 201.312. REGISTRATION [ACCREDITATION] OF FACILITIES. 7 The board by rule shall adopt requirements for registering 8 [licensing and regulating] chiropractic facilities as necessary to 9 protect the public health, safety, and welfare. 10 The rules adopted under this section must: 11 specify the registration [licensing] requirements 12 for a chiropractic facility; (2) prescribe the standards for the chiropractic [structure of the] facility registration [licensing] program;
- 13 14
- [and] 15

17

- (3) provide for the issuance of a separate certificate 16
- 18 chiropractic facility for each chiropractic facility owned by the

[one facility license] to

19 owner; and

of registration

- (4) provide for the board to send notice to an owner of 20
- a chiropractic facility and to each chiropractor practicing in the 21
- facility of the impending expiration of the facility's certificate 22
- of registration before the expiration of the certificate. 23
- The standards adopted under Subsection (b)(2) must be 24

- 1 consistent with industry standards for the practice of
- 2 chiropractic.
- 3 (d) To register a chiropractic facility, the owner of the
- 4 facility must:
- 5 (1) file with the board a written application for
- 6 registration; and
- 7 (2) pay, with the application, a registration fee in
- 8 an amount set by the board not to exceed \$75.
- 9 (e) The board may issue a certificate of registration only
- 10 to a chiropractic facility that complies with the requirements of
- 11 this section.
- 12 (f) A certificate of registration under this section must be
- 13 renewed annually. To renew the certificate, the certificate holder
- shall apply to the board and pay an annual fee equal to the amount of
- the registration fee under Subsection (d)(2).
- 16 (g) A person licensed to practice chiropractic in this state
- is subject to disciplinary action under this chapter if the person
- 18 practices chiropractic in a chiropractic facility that the person
- 19 knows is not registered under this section.
- 20 (h) An owner of a chiropractic facility who violates this
- 21 section or a rule adopted under this section is subject to
- 22 disciplinary action by the board in the same manner as a license
- 23 holder who violates this chapter or a rule adopted under this
- 24 chapter.
- 25 SECTION 2. Not later than January 1, 2004, the Texas Board
- of Chiropractic Examiners shall adopt rules under Section 201.503,
- 27 Occupations Code, specifying the maximum amount of sanctions that

S.B. No. 1062

- 1 may be assessed against a chiropractor for violating Subsection
- 2 (g), Section 201.312, Occupations Code, as added by this Act.
- 3 SECTION 3. This Act takes effect September 1, 2003.

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 28, 2003

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1062 by Carona (Relating to the registration of chiropractic facilities.), As Introduced

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Board of Chiropractic Examiners, the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 508 Board of Chiropractic Examiners

HOUSE 03 MAY 24 AM 12: 37 COMMITTEE REPORT, JUSE OF REPRESENTATIVES

1st Printing

By: Carona

24

S.B. No. 1062

(Hupp, Geren)

A BILL TO BE ENTITLED

1	AN ACT
2	relating to the registration of chiropractic facilities.
3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
4	SECTION 1. Section 201.312, Occupations Code, is amended to
5	read as follows:
6	Sec. 201.312. <u>REGISTRATION</u> [ACCREDITATION] OF FACILITIES.
7	(a) The board by rule shall adopt requirements for registering
8	[licensing and regulating] chiropractic facilities as necessary to
9	protect the public health, safety, and welfare.
10	(b) The rules adopted under this section must:
11	(1) specify the registration [licensing] requirements
12	for a chiropractic facility;
13	(2) prescribe the standards for the chiropractic
14	[structure of the] facility registration [licensing] program;
15	[and]
16	(3) provide for the issuance of a separate certificate
17	of registration [one facility license] to an owner of a
18	chiropractic facility for each chiropractic facility owned by the
19	owner; and
20	(4) provide for the board to send notice to an owner of
21	a chiropractic facility and to each chiropractor practicing in the
22	facility of the impending expiration of the facility's certificate
23	of registration before the expiration of the certificate.

The standards adopted under Subsection (b)(2) must be

- 1 consistent with industry standards for the practice of
- 2 chiropractic.
- 3 (d) To register a chiropractic facility, the owner of the
- 4 facility must:
- 5 (1) file with the board a written application for
- 6 registration; and
- 7 (2) pay, with the application, a registration fee in
- 8 an amount set by the board not to exceed \$75.
- 9 (e) The board may issue a certificate of registration only
- 10 to a chiropractic facility that complies with the requirements of
- 11 this section.
- 12 (f) A certificate of registration under this section must be
- 13 renewed annually. To renew the certificate, the certificate holder
- shall apply to the board and pay an annual fee equal to the amount of
- the registration fee under Subsection (d)(2).
- 16 (q) A person licensed to practice chiropractic in this state
- is subject to disciplinary action under this chapter if the person
- 18 practices chiropractic in a chiropractic facility that the person
- 19 knows is not registered under this section.
- 20 (h) An owner of a chiropractic facility who violates this
- 21 section or a rule adopted under this section is subject to
- 22 disciplinary action by the board in the same manner as a license
- 23 holder who violates this chapter or a rule adopted under this
- 24 chapter.
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- 27 Occupations Code, specifying the maximum amount of sanctions that

S.B. No. 1062

- 1 may be assessed against a chiropractor for violating Subsection
- 2 (g), Section 201.312, Occupations Code, as added by this Act.
- 3 SECTION 3. This Act takes effect September 1, 2003.

COMMITTEE REPORT

The Honorable Tom Craddick Speaker of the House of Representatives

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5-23-2003

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OII.					
We, your COMMITTEE ON PUBLIC					
to whom was referred		have had th	e same under conside	eration and beg to report	
 (4 do pass, without amendment. () do pass, with amendment(s). () do pass and be not printed; a 0 	Complete Committe	e Substitute is recomn	nended in lieu of the c	original measure.	
(4yes () no A fiscal note wa	as requested.				
() yes (no A criminal justic	ce policy impact sta	tement was requested	.		
() yes (4no An equalized e	ducational funding	impact statement was	requested.		
() yes (Ino An actuarial an	alysis was requeste	ed.			
() yes (4-no A water develo	pment policy impac	t statement was reque	sted.		
() yes (/) no A tax equity no	te was requested.				
() The Committee recommends to		e sent to the Committee	e on Local and Conse	ent Calendars.	
For Senate Measures: House Spo	nsor HUPP				
Joint Sponsors: Feren	•				
				and the second s	
Co-Sporisors.					
The measure was reported from Co	ommittee by the folio	owing vote: NAY	PNV	ABSENT	
Capelo, Chair					
Laubenberg, Vice-chair	6				
Coleman	4				
Dawson	~				
McReynolds	<u> </u>				
Naishtat	-				
Taylor	~				
Truitt	C				
Zedler					
The state of the s					
Total aye				. 0	
				\leq	
	present, not voting				
() '	sent				

BILL ANALYSIS

S.B. 1062 By: Carona Public Health Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Texas Board of Chiropractic Examiners (TBCE) has the authority to issue only one license to the owner of a chiropractic facility regardless of the number of chiropractic facilities owned by the owner. Also, TBCE has the authority to penalize a chiropractor if that chiropractor is practicing within a facility that has not been registered or not renewed the annual application of the facility. S.B. 1062 requires that every chiropractic facility be registered individually. This bill also provides that a chiropractic license is not adversely affected if a chiropractor is practicing in a facility that has not registered or renewed its annual application.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Board of Chiropractic Examiners in SECTION 1 (Section 201.312, Occupations Code) of this bill.

ANALYSIS

Amends Section 201.312, Occupations Code, as follows:

Sec. 201.312. New heading: REGISTRATION OF FACILITIES. Deletes existing term "ACCREDITATION" from the heading.

- (a) Requires the Texas Board of Chiropractic Examiners (TBCE), by rule, to adopt requirements for registering, rather than licensing and regulating, chiropractic facilities as necessary to protect the public health, safety, and welfare.
- (b) Requires the rules adopted under this section to specify the registration, rather than licensing, requirements for a chiropractic facility; prescribe the standards, rather than the structure of, the chiropractic facility registration program; provide for the issuance of a separate certificate of registration, rather than one facility license, to an owner of a chiropractic facility owned by the owner; and provide for TBCE to send notice to an owner of a chiropractic facility of the impending expiration of the facility's certificate of registration before the expiration of the certificate.
- (c) Requires the standards adopted under Subsection (b)(2) to be consistent with industry standards for the practice of chiropractic.
- (d) Requires the owner of a facility, to register a chiropractic facility, to take certain actions.
- (e) Authorizes TBCE to issue a certificate of registration only to a chiropractic facility that complies with the requirements of this section.
- (f) Requires a certificate of registration under this section to be renewed annually. Requires the certificate holder, to renew the certificate, to apply to TBCE and pay an annual fee equal to the amount of the registration fee under Subsection (d)(2).
- (g) Provides that a person licensed to practice chiropractic in this state is not subject to disciplinary action under this chapter for practicing in a chiropractic facility that is not registered under this section.
- (h) Provides that an owner of a chiropractic facility who violates this section or a rule adopted under this section is subject to disciplinary action by TBCE in the same manner as a license holder who violates this chapter or a rule adopted under this chapter.

EFFECTIVE DATE

September 1, 2003

S.B. 1062 78(R) Page 1 of 1

SUMMARY OF COMMITTEE ACTION

SB 1062

May 23, 2003

upon first adjournment

Considered in formal meeting
Reported favorably without amendment(s)

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 22, 2003

TO: Honorable Jaime Capelo, Chair, House Committee on Public Health

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1062 by Carona (Relating to the registration of chiropractic facilities.), As Engrossed

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Board of Chiropractic Examiners, the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 508 Board of Chiropractic Examiners

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 28, 2003

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1062 by Carona (Relating to the registration of chiropractic facilities.), As Introduced

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Board of Chiropractic Examiners, the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 508 Board of Chiropractic Examiners

S.B. No. 1062

By Cawa

A BILL TO BE ENTITLED

AN ACT: relating to the registration of chiropractic facilities.

3-10-03	_ Filed with the Secretary of the Senate
MAR 1 7 2003	Read and referred to Committee onHEALTH & HUMAN SERVICES
MAY 1 4 2003	_ Reported favorably
	Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
	Ordered not printed
	_ Laid before the Senate
MAY 1 9 2003	Senate and Constitutional Rules to permit consideration suspended by:
MAY 1 9 2003	Read second time,
MAY 1 9 2003	Senate and Constitutional 3 Day Rule suspended by a vote of
MAY 1 9 2003	Read third time,, and passed by: {
	SECRETARY OF THE SENATE
OTHER ACTION	1 :
Mey 19,2003	Engrossed
Mey 19,2003	Sent to House
Engrossing Clerk	Mardi allyand
MAY 2 0 2003	Received from the Senate
MAY 2 0 2003	Read first time and referred to Committee onPublic Health
MAY 2 3 2003	Reportedfavorably (as amended) (as substituted)
MAY 2 4 2003	Sent to Committee on (Calendars) (Local & Consent Calendars)
	Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of yeas, nays, present, not voting)
	Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of yeas, nays, present, not voting.
	Read third time (amended); finally passed (failed to pass) by a (non-record vote) (record vote of present, not voting)
	Returned to Senate.
-	Returned from House with amendments. CHIEF CLERK OF THE HOUSE Returned from House with amendments.
	Concurred in House amendments by a viva voce vote veas. navs.

	Refused to concur in House amendments and requested the appointment of a Conference Conto adjust the differences.	ımittee
	Senate conferees instructed.	
	Senate conferees appointed:, Chairman;	
	,, and	
	House granted Senate request. House conferees appointed:, Ch	
	Conference Committee Report read and filed with the Secretary of the Senate.	
OTHER AC	Conference Committee Report adopted on the part of the House by:	
	a viva voce vote	
OTHER AC	CTION:	
	Recommitted to Conference Committee	
	Conferees discharged.	
-1	Conference Committee Report failed of adoption by:	
	a viva voce vote	

03 MAY 24 AM 12: 37 IJUSE OF REPRESSYMMEN